

FIRST DAY OF DEFENSE IN CAMPBELL INVESTIGATION.

to which hour it had adjourned, and this case many minutes. Judge Campbell himself did not get in until after the hearing began.

Chairman Southall was absent, owing to the serious illness of his mother. If a place was taken by Mr. Dike, who holds the gavel when he is away. The attendance of the committee was pretty good. Nearly all the members were there.

The first witness called to the stand was Mr. G. W. Dearborn, agent for the Southern Railway at Amherst Court-house.

In reply to questions from Mr. Strode, Mr. Dearborn made statement to the effect that he was in the court-room in Amherst when the foreman of a grand jury asked of Judge Campbell in the morning, concerning the law regarding the sale of whiskey in Amherst. According to the witness, the judge instructed the foreman that a druggist had a right to sell "medicated" whiskey, but not whiskey for medicinal purposes. The witness declared that in answer to the question, as agent for the railway, he was able to state positively that during December, 1901, and the first three months of the year 1902, twelve barrels of whiskey and twenty-five gallons of beer were shipped to one of the two druggists in Amherst.

The druggist in question was S. A. Day. "Does your report show any shipments to Judge Campbell himself?" "On the 25th of July, 1902, Judge Campbell received two jugs, weighing together in the case about thirty-five pounds, and one case of beer."

"When were they delivered?" "On the 30th of July."

"That was the first upon which Judge Campbell was tried for assault upon Dr. Crawford?" "No, sir."

"The whiskey as I understand it came from outside of Amherst," said a member of the committee at this point. "You do not mean to suggest, Mr. Strode, that Judge Campbell has not a right to buy whiskey and beer under these conditions?"

"No, sir, but we want to show that some of that whiskey got into the jury which sat in this case."

In the cross-examination of Mr. Dearborn, the jury asked but one question, the usual question.

"What," he queried, "are your relations with Judge Campbell?"

"I have never supported him politically."

"Would that fact influence or affect your records as railway agent?" asked Mr. Strode.

"Of course not."

DR. VOORHUIS ON THE STAND.

When Mr. Dearborn stood aside, Dr. F. F. Voorhuis, a well-known physician of thirty-two years standing, in Amherst, was placed upon the stand. Dr. Voorhuis stated among other things that he had upon one occasion testified in Amherst, either before the County Court or the magistrate's court, to the effect that Duffy's Malt Whiskey, sold by Day, was wholly pure.

"Was your testimony controverted?" the doctor was asked.

"I think not, sir."

Proceeding, Dr. Voorhuis went on to state that he had been at the first trial of Dr. Crawford for contempt, that Judge Campbell had sought an introduction to the minister and that the former had made some remark about never seeing the liquor there, and that he had always felt matters of that sort in the good old Virginia style.

"You were present at the second trial after which the assault occurred. Was that correct?"

"I believe not."

"Why do you believe not?"

"I was in the court-room," was the reply in effect, "and when the trial was over I arose from my seat near the bench and moved down. I put my hat on and the Rev. Mr. Gray said I had better look out for the judge had not adjourned. I replied that Judge Campbell had put his own hat on and left, and that obviously gave us permission to do so."

"Was there anything else to impress the matter on your mind?"

"Judge Campbell said in his testimony in Amherst that he turned in his seat and saw the order to adjourn being given by the judge. The judge is mistaken. I was close to him and I didn't see him do anything of the sort."

"I am to think, am I not," asked Major Conrad, "that you can only say, Dr. Voorhuis, that you didn't hear Court adjourned? Suppose a half-dozen reputable citizens of Amherst should testify here that they heard this Court adjourned?"

"I shouldn't believe them."

"You would then prefer the negative assertion that you didn't hear Judge Campbell adjourn court to the positive assertion from six reputable citizens that they did hear him do so?"

"I am bound to believe my own statement."

Just before he stood aside Dr. Voorhuis stated in reply to a question from Major Conrad to the effect that in recent years he has been a political opponent of Judge Campbell.

THE FOREMAN TESTIFIES.

Mr. W. H. H. Winston, foreman of the grand jury which sat in the case against S. A. Day in Amherst, was next placed upon the stand. He settled the question of the character of the instructions given by Judge Campbell.

"I went to the judge at the instance of the jury and asked for instructions concerning the law regarding the sale of Judge Campbell had a right to sell 'medicated' whiskey on prescription. He said that a half-pint of whiskey with five drops of laudanum in it was medicated or could be sold by a druggist."

The cross-examination of the witness brought on nothing particularly new. Mr. Winston retired after answering



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the usual question concerning his relations with Judge Campbell.

ABOUT THAT CONSPIRACY.

The fourth and last witness for the prosecution was Mr. John W. Johnson, of Amherst county, who in part corroborated the startling testimony of Mr. Bowen with reference to the alleged conspiracy among the jurymen who tried Judge Campbell for assault upon Dr. Crawford.

"I was on the court-green," he said in effect, "on the night of the trial when the jury was in the room deliberating over the verdict. There were several of us there, including Mr. Seldon Harrison, Dr. Kerfoot and Mr. Bowen. The latter was there when I came and I left him there when I went away."

"The night was hot and the window in the jury-room was open. Mr. Woodruff was sitting in it and was saying that he would never bring in a verdict of acquittal, which he said would be a disgrace on the county. He wanted to convict Judge Campbell of common assault and to fine him. The other eleven members of the jury wanted to take in a verdict of acquittal and they told Mr. Woodruff he had better come over with them. If he knew what was good for himself, Mr. Woodruff said he wasn't afraid of anything."

"Did you hear anything about what the jury were expected to do in reference to the verdict?"

"I don't know," he said. "We are expected to bring in a verdict of acquittal."

"Did you hear anything about what would happen if the jury failed to bring in such a verdict—about lynching, for instance?"

"I heard Mr. Woodruff say he wouldn't do such a thing if he would be lynched for it."

ONE MORE WITNESS.

Brief and rather unproductive cross-examination of Mr. Johnson was followed by a statement from Mr. Strode to the effect that with the exception of one witness, the prosecution was at an end of its case so far as it had been allowed to go by the committee. The one witness who has not come in is Dr. Massie Tunstall—whose testimony is regarded as important.

"Mr. Tunstall got in on the morning train as expected. Upon consultation of counsel for the defense the committee announced that Judge Campbell could proceed with his case and that when Dr. Tunstall attended the convention of the jury on the stand at once."

A letter from Mr. Bowman, making some corrections in his testimony, was placed in the hands of the clerk and then as Mr. Strode had introduced evidence the letter written by Judge Campbell to Governor Montague, asking for the appointment of Judge Wood as trial judge in the case of Commonwealth vs. Campbell, for the existence of which the correspondence the gentlemen of the prosecution had no knowledge until it was published a short while ago in one of the local daily papers, in the case of the correspondence was admitted. It is likely to figure somewhat prominently in the case.

DEFENSE OPENS.

The defense opened with the testimony of Mr. Hiram Turner, whose name has been frequently mentioned in connection with the assault, after it was who left the court-room with Judge Campbell when the latter left the court-room just before his encounter with the minister.

"Mr. Turner gave an account of the assault as he had seen it. Whether or not court was adjourned he could not say. He was near the judge, but he had not heard the order. He wasn't listening for it. It might have been given. As soon as the people began to leave the court-room Mr. Turner said he approached the judge and asked to see him. Judge Campbell told Mr. Turner he had to see him shortly because he had to go to Richmond the next day. The judge started out to go to the office of Judge Campbell, when the latter found that he had forgotten his grip and had to return for it."

When Judge Campbell came back again he stopped to say a few words with Judge Mann, with whom he shook hands. While he was thus engaged the Rev. Mr. Crawford approached and offered his hand. Judge Campbell declined it and drew back saying:

"You have insulted me, sir. I gave you a chance to apologize before and you refused. Will you do so now?"

"Mr. Crawford, in a sort of reply," said Mr. Turner, in effect, "but I did not catch it. I heard the word 'court-house' and that is all. Then I saw Judge Campbell strike him. I was about forty feet away and went up to Judge Campbell and caught hold of him, saying, 'Judge, don't do that.' The judge said he was through and as we went away together he added: 'If that old fool had

gone on about his business and not poked his hand in my face it would not have happened.'"

CROSS-EXAMINATION.

The cross-examination of Mr. Turner was rather severe and resulted in some confusion to the witness. He had been testified and stated by Judge Campbell himself that he rode horseback to court-house on the day of the assault. Mr. Turner, however, testified to the same thing in his testimony in Amherst, now said the judge had come in a double-horse team. At the conclusion of the trial the horses and the trap were standing out there. Mr. Turner went into elaborate details. He said he had recognized the turnout by the negro boy driver in it. When his attention was called to the discrepancy between his present statement with reference to this and other matters and those he made at the trial in Amherst, Mr. Turner said he had been misrepresented and that the stenographer's report was incorrect. In the course of the examination Mr. Turner was called upon to define the difference between a horse-whipping and a cowhiding. After laborious efforts he declared that he would rather go through the former because a cowhide is "what we used to beat negroes with."

It was further brought out by Mr. Strode that at the trial in Amherst Mr. Turner testified that Judge Campbell called Mr. Crawford an old gentleman; he now, according to Mr. Turner, called him an "old fool." Mr. Turner said he had not attempted to quote the exact words of Judge Campbell. Again, Mr. Turner had called Mr. Crawford against the reply Mr. Crawford made when Judge Campbell on the court-green offered an opportunity to apologize. He admitted that he was in some doubt whether or not Mr. Crawford had said anything or not, but he thought he had.

"Who said it?" asked Mr. Strode.

"The old reverend divine Crawford," said Mr. Turner.

THE WHISKEY AGAIN.

"Have you ever bought any whiskey from the drug-store of S. A. Day?"

"No, sir, not during the past two years."

"Have you ever been there and drunk whiskey which somebody else paid for?"

"I don't know about that."

"Isn't it true, Mr. Turner?"

"Maybe it is, Mr. Strode, but I don't go about hunting whiskey. If I want it I buy it."

MR. WARE TESTIFIES.

Throughout his recital Mr. Turner, who is a man of large build, gray-haired, stood beside the witness chair instead of sitting in it. He now retired to give way to Mr. E. S. Ware, a Confederate war veteran and a former commissioner of revenue of Amherst county. He was one of the witnesses of the assault, and he gave an account of it. He said Mr. Crawford had approached the judge, who drew back and said: "Give you a chance to apologize. Will you do so?"

What else he said Mr. Ware did not know. He heard the noise of talking, but could not distinguish the words. The horse-whipping followed. Mr. Ware referred to some apparent conflict between his testimony in Amherst and his testimony here. Mr. Ware said he had been misquoted by the stenographer. In the course of the examination of Mr. Ware there was a slight delay and Major Conrad suggested that there were a great many witnesses and that it might be well if the prosecution hurried things.

"We intend to go on," said Mr. Ware, "and we intend to go on with our witnesses. You were with ours, Major Conrad," said Mr. Strode.

"Well," said Major Conrad, "I am very glad to hear that."

THE EXAMINATION OF THE NEXT WITNESS, Mr. W. P. Barnes, of Amherst, who according to his own statement has been an "animal" in the trial, was a surprise to the jury. He said he was bad and is now, and the witness found it impossible to get himself straight upon distances and so on. Mr. Barnes was somewhat excited at the time and he twisted the buttons on his coat nervously.

The witness was on the court green at the time of the assault and saw it all. He now gave a clear account of it and made a most interesting statement in reference to the interesting conversation which passed between Judge Campbell and Mr. Crawford upon the court green. According to Mr. Barnes, Judge Campbell as Mr. Crawford extended his hand, he refused to shake hands with him. He said he was not going to shake hands with a man who was so disrespectful to him. He said he was not going to shake hands with a man who was so disrespectful to him. He said he was not going to shake hands with a man who was so disrespectful to him.

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assault. Mr. Bowman also made the interesting statement that the jury, one of the six who were for the prosecution, had said he wanted to hunt up some testimony or other, so he could get a trip to Richmond "with the boys."

THE SWEETBRIAR MATTER.

From now on until the committee adjourned for lunch the Sweetbriar matter was the feature. Mr. S. R. Harding, one of the Board of Directors of the Sweetbriar Institute, was introduced and asked to make a statement concerning Judge Campbell's connection with the road.

According to Mr. Harding, a petition had been drawn up and presented to Judge Campbell, asking for the opening of a road from Amherst depot to the institute. The petition was signed by the institute, and it was presented to Judge Campbell, who had manifested no particular eagerness to have the road run through his land. He was willing to have it do so, but he had no "bad ideas," said Mr. Harding.

"Did it have been of any advantage to Judge Campbell pecuniarily or otherwise to have the road run through his property?" asked Major Conrad.

"It would have been distinctly a disadvantage," declared Mr. Harding.

"Did you sign the petition asking for the road?" asked Mr. Strode, of the witness.

"I did not."

"Here it is, Mr. Strode," said Major Conrad. "Do you wish to see it?"

"No, sir; I signed it myself, Major. Thank you," said Mr. Strode, and he did so he showed a sudden interest.

"The petition is typewritten. I find an interlineation in handwriting. I had not noticed it before. Look at the paper," said Mr. Harding, and he all changed the petition—whose handwriting that is?"

"I am not positive," said Mr. Harding, "but it looks like Judge Campbell's."

The interlineation reads thus: "Or direct to Amherst Depot." Would it not be necessary for a road directly to Amherst Depot to go through the property of Judge Campbell?"

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law that it is not a violation of the statute to sell medicated whiskey.

"Do you think, Dr. Tunstall, that if Judge Campbell was such a vile and base man as to be capable of doing business in such a way as has been suggested, do you think he would have made such a statement in an open court?"

"What fact is that question designed to elicit, Major?" asked Mr. Strode.

"The construction placed by the gentleman upon the language of Judge Campbell."

"I do not care to draw inferences," said Dr. Tunstall. "I prefer to leave that to others."

"Did it strike you that Judge Campbell was speaking jocularly?"

"I took him seriously."

"Did you get any inference from this statement of Judge Campbell's that he was making to you an improper and corrupt suggestion?"

"I thought he meant that Judge Loving, of Nelson, had such decided views against the sale of whiskey that he could administer the laws in a broad-minded spirit."

"Do you mean that Judge Campbell intended to convey the idea that Judge Loving was a fanatic, and that you would have to stand in with him—over this fanaticism—before you could obtain justice? Judge Loving does not look to me like a fanatic. He has made a most delightful impression upon me."

"I thought he meant," said the witness in effect, "that I should secure the papers of Judge Loving, and that then perhaps he might view the law with a broader mind."

"Ingratiate yourself in his esteem, you mean?"

"No, Dr. Tunstall, one question which will comprehend the whole matter. From all that occurred, did you draw the inference that Judge Campbell suggested an improper course?"

"At the time, as I said before, I did not consider the matter. But I am forced to say that when I reflected upon the remark of Judge Campbell I did take it in that way. I mentioned it to several people when I got back."

"Did you not infer, was in effect the question put to the witness when Major Conrad testified, that Judge Campbell meant that if you stood in with the judge you would have less trouble in the sale of malt extract?"

"Yes, sir."

"To repeat the judge's construction of the law?"

"Yes, sir."

"Was it not implied," asked Judge Loving, "that Day did stand in with him (Campbell), and that therefore he got a license?"

"Yes, sir."

"You say," interposed Major Conrad, "that you repeated the conversation with Judge Campbell? How soon was this after the conversation?"

"As soon as I got home."

"To whom did you tell it?"

"To several people."

"Can you give me the names of some of those you told?"

"Yes, sir. The treasurer of Nelson county, the sheriff and the clerk. The treasurer remembered it, and that is why I am here now."

The further examination of Dr. Tunstall was along minor points, which were interesting, but relatively insignificant. As usual, Major Conrad got in several barbed sallies, which provoked audible smiles from the audience.

With the conclusion of the testimony of this witness closed the entire case for the prosecution.

MR. JOYNER ON THE STAND.

The case for the defense was resumed with the testimony of Mr. H. C. Joyner, treasurer of Amherst county, who was next placed upon the stand. The examination of this witness was in conformity with the charge that Judge Campbell improperly used his office to secure an indictment against A. D. Beard, commissioner of the revenue, for alleged forgery of the name of Mr. Joyner. The evidence introduced in the prosecution, testified to the effect that the commissioner of revenue had as a part of his work to assess license taxes on merchants, that the proper method is to have those merchants pay the tax to the collector, and that the collector, in turn, presented to the commissioner a receipt, which he signs the name of the treasurer. This method, however, involves much trouble. Merchants twenty miles or more have to come all the way